GOVERNMENT OF ANDHRA PARDESH
ABSTRACT

Home Department – **Power of State or Central Government to exclude certain persons from the operation of Sections 302 and 303 of BNSS, 2023** – Notification - Orders –Issued.

HOME (COURTS-B) DEPARTMENT

G.O.Ms.No.139 Dated:18.09.2025
Read

From the Director General of Police, AP, Mangalagiri, Rc.No.1006/ L&O-III/ 2024-25, dated: 13.08.2025.

@@@

ORDER:-

In the circumstances reported by the Director General of Police, Andhra Pradesh, Mangalagiri in the reference read above, the Government here by issue the following notification and it shall be published in the Extraordinary issue of the Andhra Pradesh Gazette, dated:18.09.2025.

NOTIFICATION

1. Whereas, Section 302 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides the procedure related to power to require attendance of prisoners.

"**Section 302"-**

(1) Whenever, in the course of an inquiry, trial or proceeding under this Sanhita, it appears to a Criminal Court:-

(a) that a person confined or detained in a prison should be brought before the Court for answering to a charge of an offence, or for the purpose of any proceedings against him;

or

(b) that it is necessary for the ends of justice to examine such person as a witness, the Court may make an order requiring the officer in charge of the prison to produce such person before the Court answering to the charge or for the purpose of such proceeding or for giving evidence.

(2) Where an order under sub-section (1) is made by a Magistrate of the second class, it shall not be forwarded to, or acted upon by, the officer in charge of the prison unless it is countersigned by the Chief Judicial Magistrate, to whom such Magistrate is subordinate.

(3) Every order submitted for countersigning under sub-section(2) shall be accompanied by a statement of the facts which, in the opinion of the Magistrate, render the order necessary, and the Chief Judicial Magistrate to whom it is submitted may, after considering such statement, decline to countersign the order."

P.T.O

2. Whereas, **Section 303** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides the procedure related to power of State Government or Central Government to exclude certain persons from operation of **section 302.**

"Section 303 (1) The State Government or the Central Government, as the case may be, may, at any time, having regard to the matters specified in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined or detained, and thereupon, so long as the order remains in force, no order made under section 302, whether before or after the order of the State Government or the Central Government, shall have effect in respect of such person or class of persons.

(2) Before making an order under sub-section (1), the State Government or the Central Government in the cases instituted by its central agency, as the case may be, shall have regard to the following matters, namely:—

(a) The nature of the offence for which, or the grounds on which, the person or class of persons has been ordered to be confined or detained in prison (Persons accused of offences involving terrorist activities and persons who are members of organised gangs committing heinous crimes).

(b) The likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;

(c) The public interest, generally.

3. The State Government shall consider the cases under **Section 303** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 under exceptional circumstances whereby the prisoner is not in a position to be physically produced before the Magistrate for justified reason(s) recorded in writing.

4. Inspector General of Prisons shall submit such proposal in rarest of the rare case along with justification and necessary documents.

5. The Director General of Police, Andhra Pradesh, Mangalagiri is requested to take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationary & Stores Purchase, Muthyalampadu,
Vijayawada, NTR District, Andhra Pradesh.
The Director General of Police, Mangalagiri, Andhra Pradesh.
Copy to:-
OSD to Hon'ble Minister (Home)
The PS to Principal Secretary to Government (Home)
The Law(C) Department
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER